

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))

67-4553)
)
)
)

AFFIDAVIT

State of Idaho)
County of WASHINGTON)

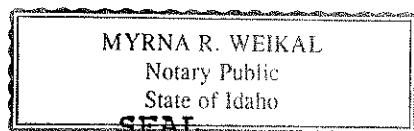
Jerrold D. Widner

being first duly sworn,

deposes and says: The first year Water Rights in Bannock Creek, later
changed to Banner Creek, was 1899 by my great grandfather, Harvey
Widner. Harvey Widner was also my fathers name (deceased). My Father
was born in 1904, he told me that my Great Grandfather built a dam on
Bannock Creek for irrigation. The ditch is still there. He sold the
place to my great grandfather, N. L. Newman, who was my grandmothers
Father. As years went by the place was split up by a road and sold
to my neighbors, Charlie and Cliff Bonner (deceased). They said they
had two thirds right in Banner Creek. My grandfather, Oliver Dale, on
my Mothers side bought the place in 1920. He had one third water right
in Banner Creek. He also had 1/2 share in Middle Valley Ditch Co that
was also used with the water in Banner Creek. The water now is used
with sprinklers. I will outline the land on the map that is irrigated,
also the point of diversion, and the ditch from the old dam site.
John Bonner knows that this water has been used on the land.

Jerrold D. Widner
(Signature)

Subscribed and sworn to before me this
day 5th of October, 192005.



Myrna R. Weikal
(Notary Public)

Residing at Midvale, Idaho.

My Commission Expires 12/29/06.



State of Idaho

RECEIVED

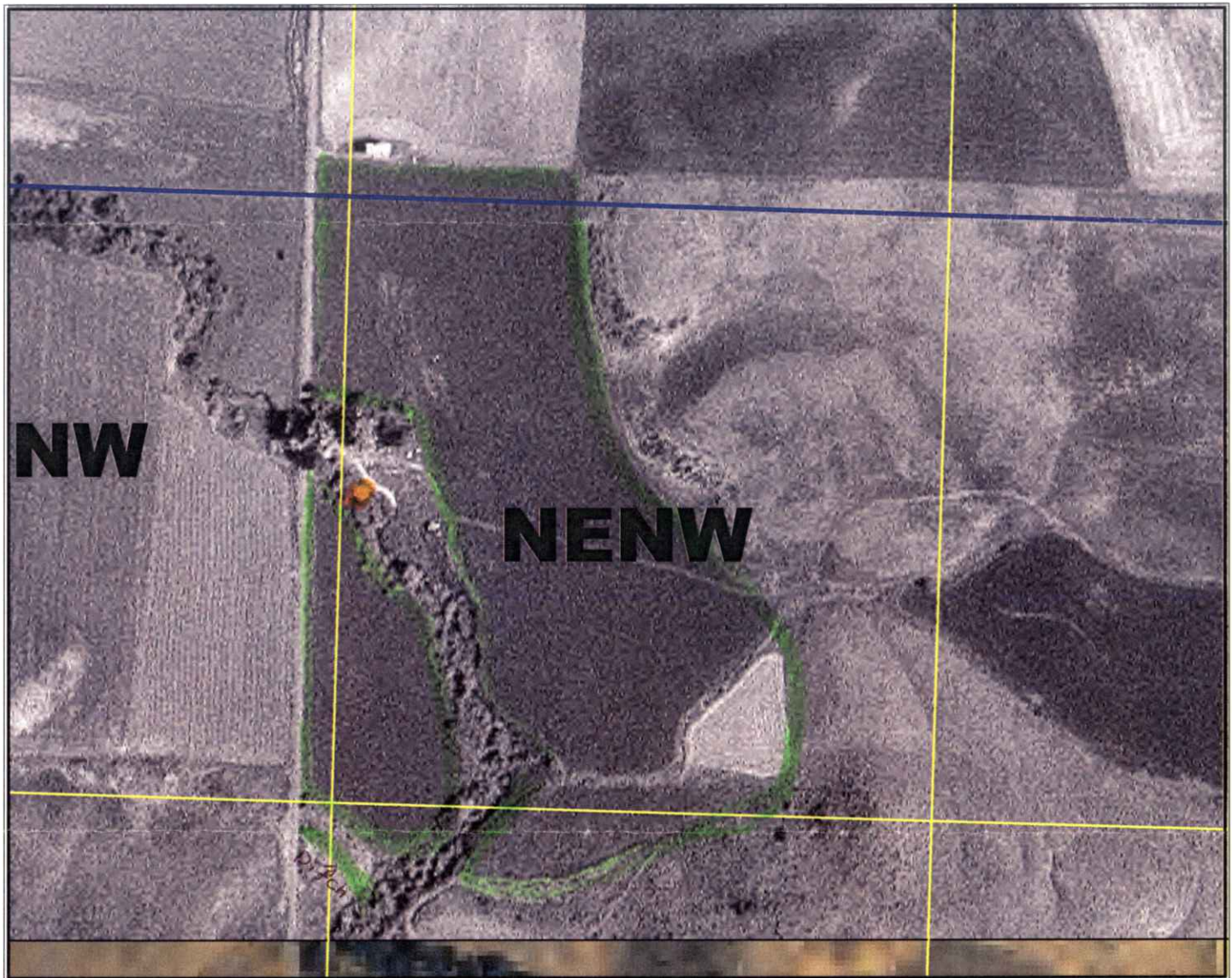
OCT 07 2005

Department of Water Resources

Map Source: USGS DOQQ

Claim #(s): 67-4555

Reference Map



0 1320 Feet

● Point of Diversion

□ Claimed Place of Use

□ Tax Lot Property Bndy

□ Quarter Quarter Lines

□ Section Lines

Claimed Irrigated Acres: 20.0
Initial Acres Found: ?



Prepared By: Craig L. Saxton
Date: September 2005

Continuation of Abstract of Title to the Lands Described in the Caption Hereof.

79183

No. 10

Harvey Widner (Signs by mark)
and
Sarah A Widner, his wife

Grantor.

To

N. L. Newman

Warranty Deed

Dated Sept 5, 1904

Recorded Sept 21, 1904

Book 15, Deeds, page 298

Consideration \$ 1.00 Witness 2

ACKNOWLEDGEMENT

Date	Name of Officer	Title	County	State	Wife Examined Apart	Seal
Sept. 12, 1904	Henry H Buck	N. P.	Washington	Idaho	yes	yes

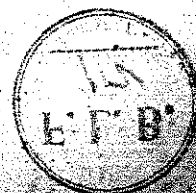
DESCRIPTION AND REMARKS

Grant, bargain, sell, convey and confirm;-

The following described real estate situated in the County of Washington, State of Idaho, to-wit:-

The North half of the North-west quarter of Section 29 in township 13 North of Range 3 West of the Boise Meridian, containing 80 acres.

Also all my right, title and interest in and to the water of Hannock Creek in Middle Valley in said County, heretofore acquired by Deed from Mary E. and R. F. Tuttle, This Deed is to Correct a Warranty Deed dated Nov 7, 1899 by the same parties covering same land and water and recorded in the records of said County in Book 10 of Deeds, page 256.



16182

No. 10

Continuation of Abstract of Title to the lands described in the Caption Hereof.

Continuation of Abstract of Title to the Lands Described in the Caption Hereof.

5-124

No. 11

N. L. Newman and
Sarah E Newman, his wife

Grantor.

To

H. A. Hicks

Warranty Deed

Dated July 14, 1900

Recorded Aug. 1, 1900

Book 9, Deeds, page 406

Consideration \$ 1800.00 Witness 1

ACKNOWLEDGEMENT

Date	Name of Officer	Title	County	State	Wife Examined Apart	Seal
July 14, 1900	Frank Harris	N.P. F.	Washington	Idaho	yes	yes

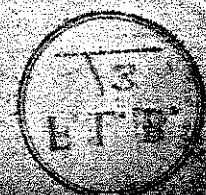
DESCRIPTION AND REMARKS

Grant, bargain, sell, convey and confirm:-

The following described real estate situated in the County of Washington State of Idaho, to-wit: The North Half of the North-west quarter of Section 29 in township 13 North of Range 3 West of the Boise Meridian, in the County of Washington and State of Idaho.

Together with a certain ditch leading thereto from Bannock Creek and the right to the water flowing in said ditch.

With all water and stock rights, including 12 shares of stock in the Middle Valley Irrigating Ditch Co.



Continuation of Abstract of Title to the Lands Described in the Caption Hereof

Continuation of Abstract of Title to the Lands Described in the Caption Hereof.

5-124

No. 11

N. L. Newman and
Sarah E Newman, his wife

To

Grantor.

H. A. Hicks

Warranty Deed

Dated July 14, 1900

Recorded Aug. 1, 1900

Book 9, Deeds, page 406

Consideration \$ 1800.00 Witness 1

ACKNOWLEDGEMENT

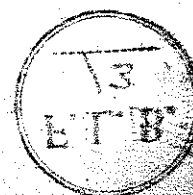
Date	Name of Officer	Title	County	State	Wife Examined Apart	Seal
July 14, 1900	Frank Harris	N.P.	Washington	Idaho	yes	yes

DESCRIPTION AND REMARKS

Grant, bargain, sell, convey and confirm;-

The North half of the North-west quarter of Section 29 in township 13 North of Range 3 West of the Boise Meridian, in the County of Washington and State of Idaho,

Together with a certain ditch leading thereto from Bannock Creek and the right to the water flowing in said ditch.



e-12

Continuation of Abstract of Title to the Lands Described in the Caption Hereof.

9-432

No. 13

Sophia Fouts and
Samuel Fouts, her husband Grantor.
To

H. A. Hicks

Mortgage

Dated May 24, 1902

Recorded June 12, 1902

Book 6, Mortgages, page 525

Consideration \$ 4580.00 Witness 1

ACKNOWLEDGEMENT

Date	Name of Officer	Title	County	State	Wife Examined Apart	Seal
May 24, 1902	James S Bogart	N.P.	Ada	Idaho	yes	yes

DESCRIPTION AND REMARKS

Mortgages,-

That certain real property situated in the County of Washington, State of Idaho, described as follows, to-wit;-

The North half of the North-west quarter of Section 29 (and other land) in township 13 North of Range 3 West of the B.M. containing in all 240 acres. With all water, water rights and ditches, including 2 shares of stock in the Middle Valley Irrigating Ditch.

Release recorded in Vol 3, Releases, page 196.



CONTINUATION OF ABSTRACT OF TITLE TO THE LANDS DESCRIBED IN THE CAPTION HERETO

Continuation of Abstract of Title to the Lands Described in the Caption Hereto.

9-542

No. 15

Samuel Fouts and

Sophia Fouts, husband and wife

To

Grantor.

A Viele,

Mortgage

Dated June 24, 1904

Recorded June 27, 1904

Book 7, Mortgages, page 378

Consideration \$ 4000.00 Witness 0

ACKNOWLEDGEMENT

Date	Name of Officer	Title	County	State	Wife Examined Apart	Seal
June 24, 1904	R. C. McKinney	N. P.	Washington	Idaho	yes	yes

DESCRIPTION AND REMARKS

Mortgages,-

The following described real estate situated in the County of Washington, State of Idaho, to-wit:-

The North half of the North-west quarter of Section 29 (and other land) in township 13 North of Range 3 West of the Boise Meridian, containing all in 240 acres. Together with 12 shares of Capital Stock in the Middle Valley Ditch Co and all water rights of Banner Creek.

Assigned to Luther Eaton, Recorded in Book 3, Assignments, page 197.

11-593

No. 16

A. Viele

To

Luther Eaton

Grantor.

Assignment of Mortgage

Dated July 7, 1904

Recorded Feb 20, 1905

Book 3. Assignments, page 197

Consideration \$ Val. Rec'd Witness 1

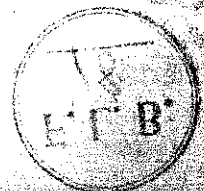
ACKNOWLEDGEMENT

Date	Name of Officer	Title	County	State	Wife Examined Apart	Seal
July 7, 1904	Chas. H Dobbin	N. P.	Saratoga	N.Y.	...	yes

DESCRIPTION AND REMARKS

Sells, assigns, transfers and sets over,-

A certain indenture of Mortgage, dated June 24, 1904, made and executed by Samuel Fouts and Sophie Fouts, husband and wife, and recorded in Book 7 page 378.



Continuation of Abstract of Title to the Lands Described in the Caption Hereof.

9-627

No. 19

Samuel Fouts and
Sophia Fouts husband and wife
To Grantor.

L. C. Miller

Mortgage

Dated Dec. 27, 1904

Recorded Dec 27, 1904

Book 7, Mortgages, page 591

Consideration \$ 1025.00 Witness 0

ACKNOWLEDGEMENT

Date	Name of Officer	Title	County	State	Wife Examined Apart	Seal
Dec 27, 1904	R. C. McKinney	N. P.	Washington	Idaho	yes	yes

DESCRIPTION AND REMARKS

Mortgages,

The following described real estate situated in the County of Washington State of Idaho, to-wit;-

The North half of the North-west quarter of Section 29 (and other land) in township 13 North of Range 3 West of the Boise Meridian. containing in all 240 acres. Together with 12 shares of stock in the Middle Valley Ditch and all the waters of Bannock Creek.

Secures 1 note of even date herewith for the sum of \$1025.00 and due December 1, 1905.



46-24

Edwin F Whiteside, a
widower,

To

Oliver M Dale

Bond for Deed

Dated September 4th, 1920

Filed Sept 12 1921 at 9:20 a m

Book 2, Bonds for Deeds, page

318

Witnesses O

A C K N O W L E D G E D

By Edwin F Whiteside, a widower, and Oliver M Dale,
September 4 1920 before Frank D Ryan, N P, Weiser, Idaho, (Seal)

WITNESSETH: That said party of the first part for
and in consideration of the sum of SEVEN THOUSAND FIVE HUNDRED
DOLLARS, to be paid him by second party at the times and in the
manner hereinafter provided, hereby agrees to sell to second
party and second party agrees to purchase of first party the
following described real estate situated in Washington County,
Idaho, to wit:

The Northeast quarter; the Northeast quarter of the
Northwest quarter of Section 29; Twonship 13 North, Range 3
West of B M, containing 200 acres more or less; together with all
water, water rights, laterals and ditches used upon or in con-
nection with the irrigation of said described lands.

It is understood that there is a mortgage on said prem-
ises given by first party to the Federal Land Bank of Spokane in
the sum as originally given of \$2500.00, but there has been some
payments made on the principal, so that the principal now unpaid
on said mortgage is about \$2420.00. Said second party shall on

the first part, and *his* heirs, the said premises, in the quiet and peaceable possession of the said part of the second part, *his* heirs and assigns, against the said part *is* of the first part, and *heirs* heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant, and by these presents forever defend.

In witness whereof, the said part *ies* of the first part *in* *re* hereunto set *his* hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of:

Geo W Ayers.



Robert H. Tuttle

{ SEAL }

Mary E Tuttle

{ SEAL }

{ SEAL }

STATE OF IDAHO, Washington } ss.
County of *Washington*

the year 189*8*, before me, *John W Ayers*, On this *29th* day of *October* in
in and for said County, personally appeared *Robert H. Tuttle*, a *Notary Public*
E. Tuttle his wife

known to me to be the person *s* whose name *s* are subscribed to the within instrument, and acknowledged to me that *hey* executed the same, and on this *29th* day of *October*, in the year 189*8*, before me, the officer above described, personally appeared *Mary E. Tuttle* known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

John W Ayers
Notary Public

Warranty Deed

No

Mary E. Tuttle

Robert H. Tuttle

Dated *Oct 29th* 189*8*

STATE OF IDAHO,
County of *Washington*, ss.

I hereby certify that this instrument was

filed for record at the request of

Robert H. Tuttle

at *10* minutes past *10* o'clock

on the *16th* day of *November*

189*8*, in my office, and duly recorded in

Book *8-9* of *11*

Deeds, at page *11*

John W. Ayers

Ex-Officio Recorder.

Rees, \$ *4.50*

Deputy

STATE OF WASHINGTON }
COUNTY OF SPOKANE } ss.

On this 10th day of September 1941, before me (a notary public in and for the above named state) personally appeared S. C. Fish

to me known to be the Vice-President of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and that it executed the same, and on oath stated that he was authorized to execute said instrument, and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Carol E. Schuy
Notary Public in and for the State of Washington
Residing at Spokane, Washington

My commission expires 3-15-43

4851



Oliver M. & Cora L. Dale
Dated August 29th. 1941

The Federal Land Bank
to

Deed
62936
Instrument Co.

STATE OF IDAHO } ss.
County of Washington }
I hereby certify that this instrument
was filed for record at the request of
Oliver M. Dale

at 10 minutes past 2 o'clock
P. M. this 6th day of
November A. D. 1941

in my office and duly recorded in Book

61 of Deeds

at page 243

By Ray Wilson
Recorder

By Ray Wilson
Recorder
Deposited
Compared
Indexed
Per \$ 1.20
Hickok